



**US Army Corps
of Engineers®
Albuquerque District**

PUBLIC NOTICE

Permit Application No.: SPA-2008-00390-ABQ
Project Name: Paseo del Volcan Extension
Applicant: City of Rio Rancho
Waterway: Arroyo Venada
Public Notice Date: April 03, 2009
Comment Due Date: April 23, 2009
CE Contact Phone: (505) 342-3284

Reply To:

Regulatory Division
US Army Corps of Engineers, Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above comment due date. The application is for a permit to place/discharge dredged and/or fill material as stream diversion structures and as a concrete culverted road crossing. Additionally, a new channel will be constructed in uplands reducing the overall stream length from approximately 1,347 feet to 1,072 feet. The proposed project is part of the Paseo del Volcan Extension in the Arroyo Venada and its tributaries in Rio Rancho, Sandoval County, New Mexico. The Arroyo Venada concrete culvert structure is approximately 210 feet long with two 24-ft. wide x 12-ft. high openings with wingwalls and will provide the Paseo del Volcan with a crossing of a newly constructed channel of the Arroyo Venada. Two additional culverted structures will be constructed in two tributaries of the Arroyo Venada. Stream diversion structures will be constructed below the new channel start and immediately above the culverted road crossing. An approximately 115 ft. wide x 175 ft. long rock riprap blanket will be installed downstream of the culvert. A total of approximately 0.29 acres of waters of the U.S. will be filled. Approximately 128 cubic yards of concrete; approximately 190 cubic yards of rock riprap; and approximately 395 cubic yards of earthen fill will be used for the Arroyo Venada crossing. Details of the proposed project are provided below.

Name of Applicant: Mr. Randall Carroll, City of Rio Rancho, 3200 Civic Center Circle NE, Rio Rancho, NM 87144, Phone: (505) 896-8242

Name of Agent: Ms. Brooke M. Garcia, P.E., HDR Engineering, Inc., 2155 Louisiana Blvd. NE, Albuquerque, NM 87110, Phone: (505) 830-5400

Location: The project is located along the proposed Paseo del Volcan corridor from Iris Road in Rio Rancho to NM 550 Highway in Bernalillo, New Mexico, in the Arroyo Venada and its tributaries in

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Rio Rancho, Sandoval County, New Mexico, Sections 33, 34, 24, 26, 27, Township 13N, Range 03W; (35° 19.17' N Latitude, 106° 36.40' W Longitude). See Sheets 1 and 2 of 8.

Description of Work: The proposed Paseo del Volcan Extension route crosses the Arroyo Venada at two locations. The upstream crossing will be filled with earthen materials. The second crossing will be a concrete culverted road crossing on the eastern side of Chayote Road (see Sheet 3 of 8).

The two stream diversion structures will be constructed of earthen materials immediately below the new channel start point and immediately upstream in the original Arroyo Venada channel above the culverted road crossing. Earthen materials will also be used on the north side of the culvert structure. Approximately 395 cubic yards of earthen fill materials will be used in the three locations for the diversion structures and as part of the concrete culvert (see Sheet 3 of 8).

The concrete culvert road crossing will be approximately 210 feet long with two 24-ft. wide x 12-ft. high openings with wingwalls and will provide the Paseo del Volcan with a crossing of a newly constructed channel of the Arroyo Venada (see Sheets 3 and 4 of 8). The proposed culvert will cover approximately 1,370 square yards and require approximately 128 cubic yards of concrete to construct the culvert structure.

An approximately 115 ft. wide x 175 ft. long (approximately 1,716 square yards; 190 cubic yards) rock riprap erosion pad will be constructed immediately downstream of the culverted road crossing outfalls (see Sheet 3 of 8). The entire Arroyo Venada crossing will fill approximately 0.15 acre of jurisdictional waters of the United States.

One concrete box culvert (CBC) will be constructed at point 1687+61.07 along the Paseo del Volcan corridor. This culvert will consist of two 6 x 4-ft. culvert boxes x 154 ft. long structure. Approximately 0.09 acre of jurisdictional waters will be filled with the concrete box structure with rock riprap for downstream erosion control (see Sheets 5 and 6 of 8).

The second corrugated metal pipe culvert (CMP) will be constructed at point 1692+27.21 along the Paseo del Volcan corridor (see Sheets 5 and 7 of 8). The culvert will consist of two 30-inch (2.5 ft.) diameter corrugated metal culvert pipes x 120 ft. long structure. Approximately 0.04 acre of jurisdictional waters will be filled with the corrugated metal pipe structure with rock riprap for downstream erosion control.

Concrete fills will cover approximately 0.09 acre; rock riprap fills will cover approximately 0.08 acre; corrugated metal pipe will fill approximately 0.035 acre; and earthen fills will cover approximately 0.081 acre. The total area of fills in waters of the U.S. is 0.29 acre below the ordinary high water mark of the arroyo. Work is expected to begin in the Fall 2009 and be completed in Spring 2010.

Purpose and Need: The stated purpose of the project is to connect the existing end of the Paseo del Volcan at Iris Road to US 550 Highway in Bernalillo, New Mexico. The proposed route crosses the Arroyo Venada at two locations. The upstream crossing will be filled with earth. The downstream crossing will consist of a concrete culvert with earthen fill and a rock riprap erosion pad.

Related Work: A culverted road crossing of an unnamed tributary of the Arroyo Venada located northeast of the Arroyo Venada crossing will be constructed by the Amrep Southwest, Inc., as part of the Lomas Encantadas Subdivision project under Permit No. SPA-2004-00227-ABQ. The City of Rio Rancho will construct a bridge that will cross the future Camino Encantadas roadway adjacent to the culverted road crossing. This bridge is located in uplands above the ordinary high water mark of the

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arroyo channel and a Department of the Army permit will not be required for this activity. The City of Rio Rancho will construct a second bridge over an unnamed tributary of the Arroyo Venada, also known as the Encantado Channel, which crosses under NM 550 highway and parallels it until it discharges into a detention pond in the Enchanted Hills Subdivision. From the detention pond, runoff waters are discharged to the Arroyo Venada. This bridge will be from banktop to banktop over the concrete lined channel. There will be no discharge of dredged and fill materials within this arroyo channel and a Department of the Army permit will be required for this activity.

Seven concrete box culverts (CBCs) and one reinforced concrete pipe culvert (RCP) will be constructed in upland erosion features and swales along the proposed Paseo del Volcan Extension route. Approximately 183 cubic yards of concrete and other earthen fill materials (0.11 acre) will be used to construct these culverts. Approximately 0.62 acre of earthen fills for road base will also be placed within parts of a swale drainage. None of these activities are within jurisdictional waters of the United States and a Department of the Army permit is not required for these activities. A Department of the Army permit will not be required for this activity.

Mitigation: According to the applicant, impacts to the waters of the United States will be avoided or minimized in two ways. The arroyo conveyance capacity will remain unaffected by the culvert installation. The culverts will be sized to accommodate the highest calculated flow (5,500 cubic feet per second) associated with the 100-year flood event and a developed upstream watershed. Secondly, water quality will be preserved during construction by use of best management practices (BMPs) including but not limited to equipment handling and daily inspection/monitoring. Post construction, water quality and channel integrity will be preserved through the permanent erosion control design including revegetation with native species and construction of the rock riprap erosion blanket at the culvert outlet.

Compensatory mitigation will include the creation of a new channel of comparable stream length, slope and overall function. Approximately 1,347 feet of existing arroyo will be impacted by the proposed project. The new channel will be approximately 670 feet long x 60 feet in width with a shelf area along one side approximately 2 feet above the channel bed as an overflow area during high flows (see Sheets 3 and 8 of 8).

Impacts to the waters of the United States include the loss of channel length (loss of the aquatic function of the arroyo) by shortening the channel. A draft compensatory mitigation plan has been submitted and reviewed by the Corps of Engineers. The Corps has given its comments to the applicant. Mitigation includes native revegetation of the proposed channel banks and a riprap blanket downstream of the proposed structure to prevent channel scour.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

William M. Oberle
Regulatory Division
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435
Phone: (505) 342-3284
Fax No. 505-342-3498

Statement of Findings: The Federal Highway Administration (FHWA) performed a cultural survey as

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part of the Final Environmental Impact Statement issued in June 2001 for the entire Paseo del Volcan project from I-40 highway to NM 44 (now NM 550) highway. In June 2000 and April 2001, the New Mexico State Historic Preservation Office concurred with the cultural survey findings.

The District Engineer has consulted with the New Mexico State Historic Preservation Office (NMSHPO) and has determined that 15 archaeological sites which will be impacted by the project are present. The testing and data recovery plan for the project was reviewed by the Corps of Engineers and the consulting archaeologist interviewed. The archaeological field work is currently underway and most of the work has been completed. The remaining field work will be completed by the time construction is begins. This constitutes the extent of cultural resource investigations by the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the SHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of Federal endangered (E) and threatened (T) species and/or critical habitat (CH) for Sandoval County, New Mexico

Black-footed ferret	<u>Mustela nigripes</u>	- E, EXPN
Mexican spotted owl	<u>Strix occidentalis lucida</u>	- T, CH
Rio Grande silvery minnow	<u>Hybognathus amarus</u>	- E, CH
Southwestern willow flycatcher	<u>Empidonax traillii extimus</u>	- E

Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

The applicant has applied to the New Mexico Environment Department for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the U.S. Army Corps of Engineers, Albuquerque District Office at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than **April 23, 2009**. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact,

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including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

At the request of the Department of Public Safety, Emergency Management Preparedness, State Coordinator, we are sending a copy of this notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local Flood Plain Administrator is required to perform this review for all proposed development and maintain records of such review. You may contact:

Department of Public Safety
State Floodplain Coordinator
Attn: Mr. Bill Borthwick
email: wborthwick@dps.state.nm.us
Phone: 505-476-9617

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

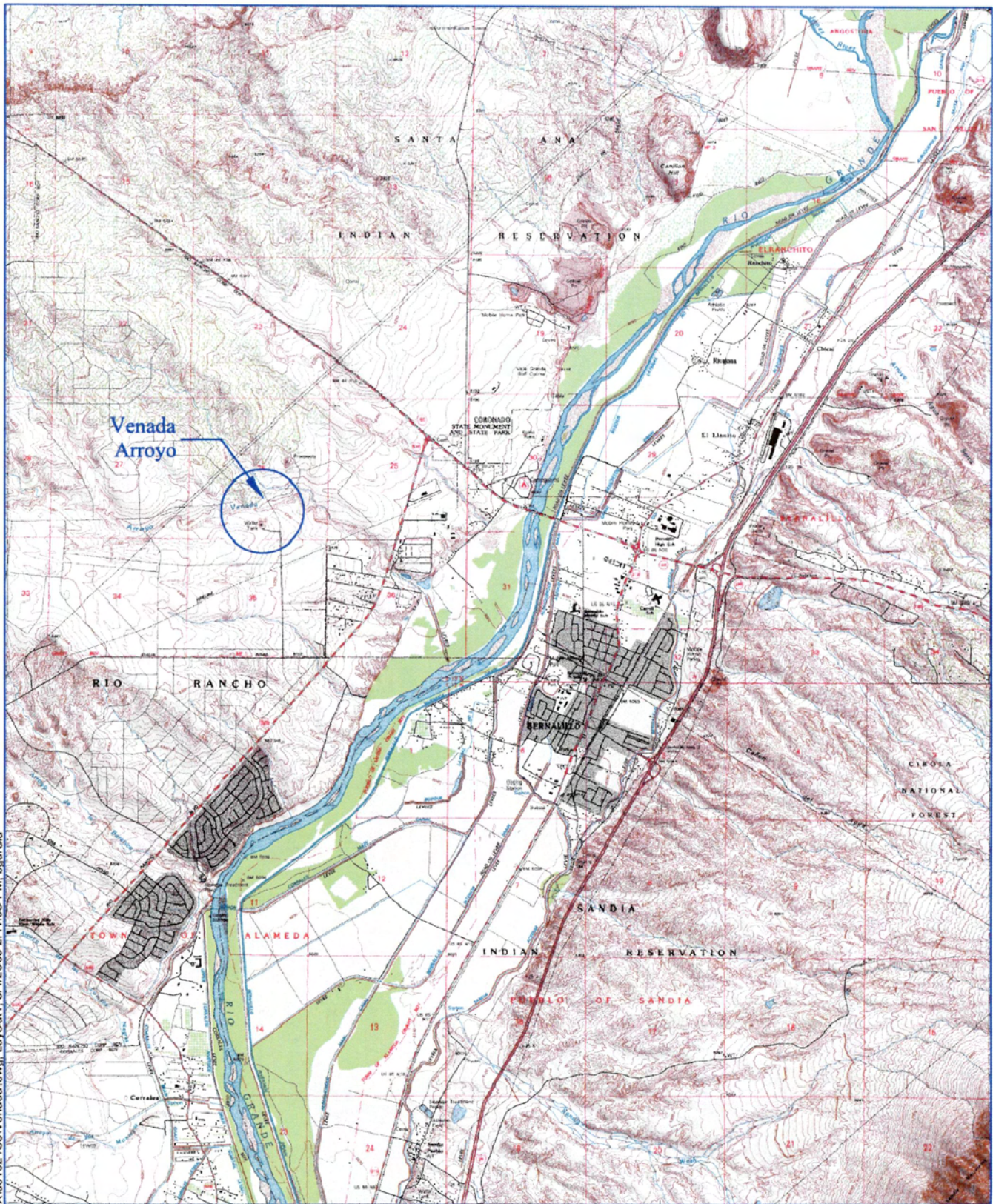
Kimberly M. Colloton
Lieutenant Colonel, U.S. Army
District Commander

Enclosure

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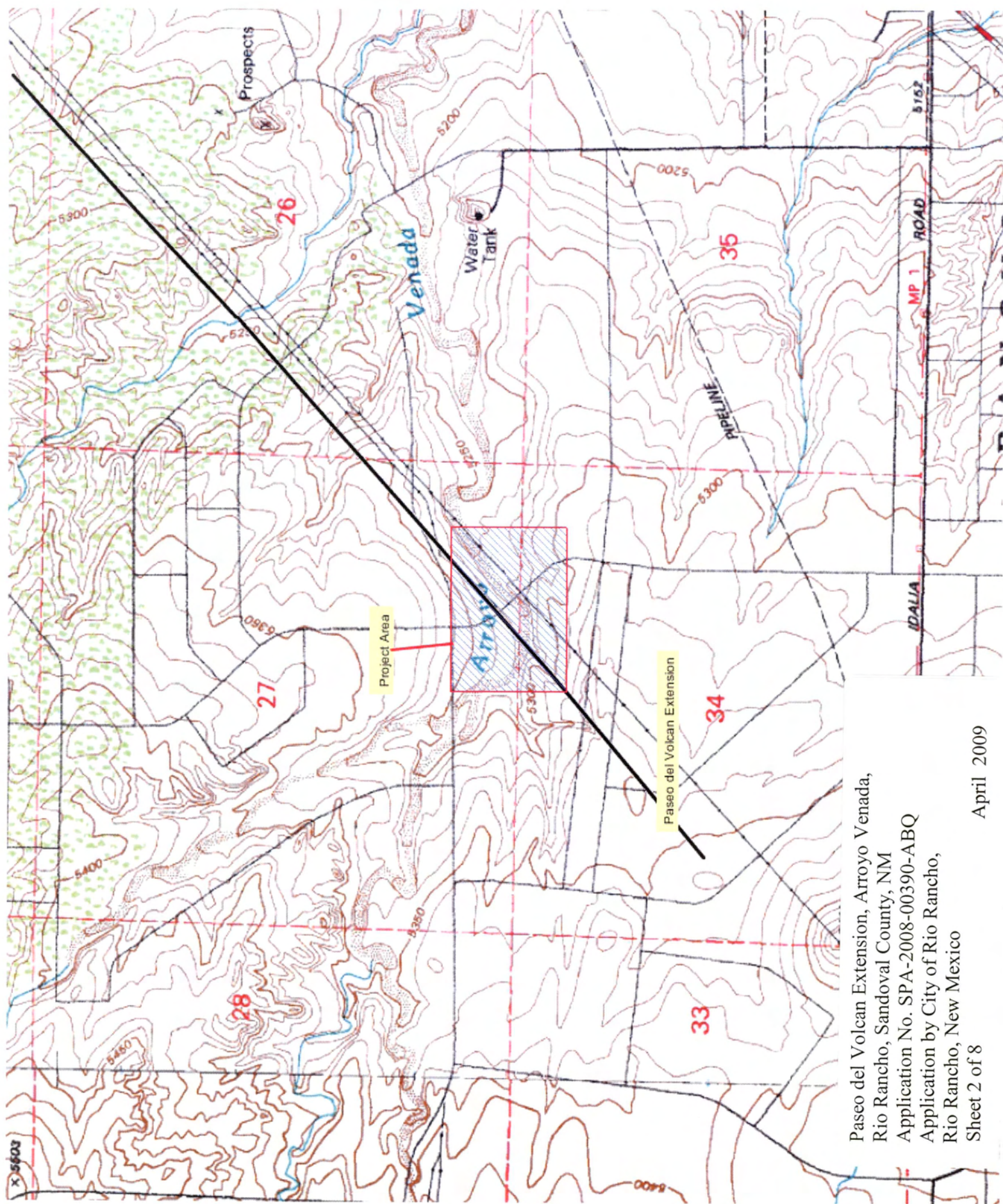
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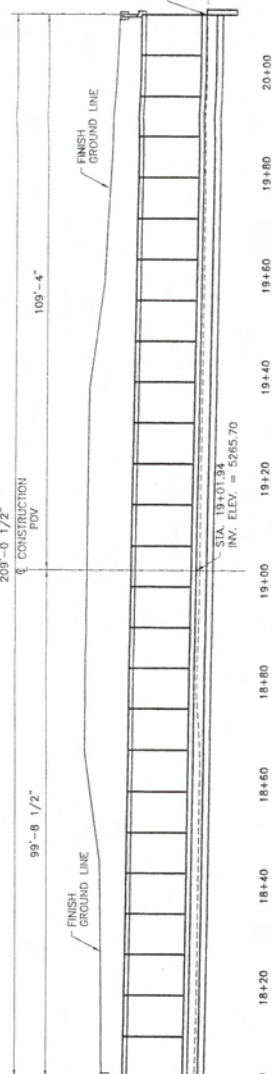
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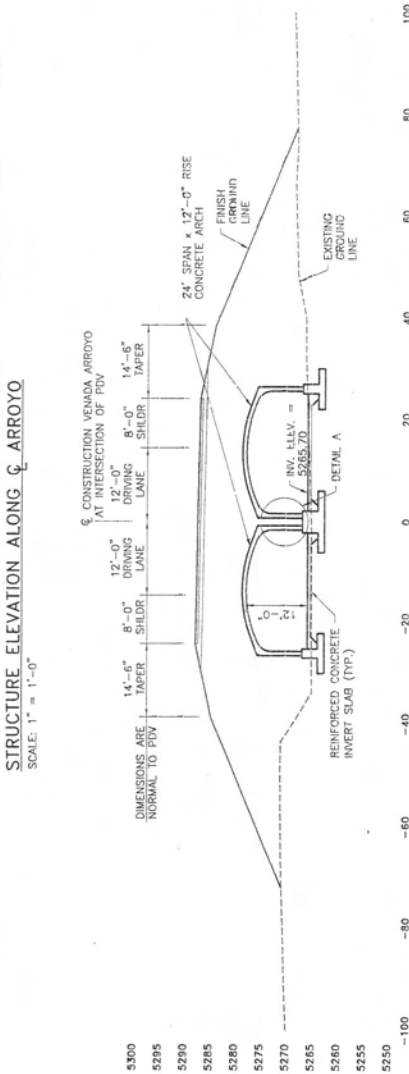
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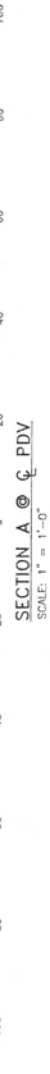
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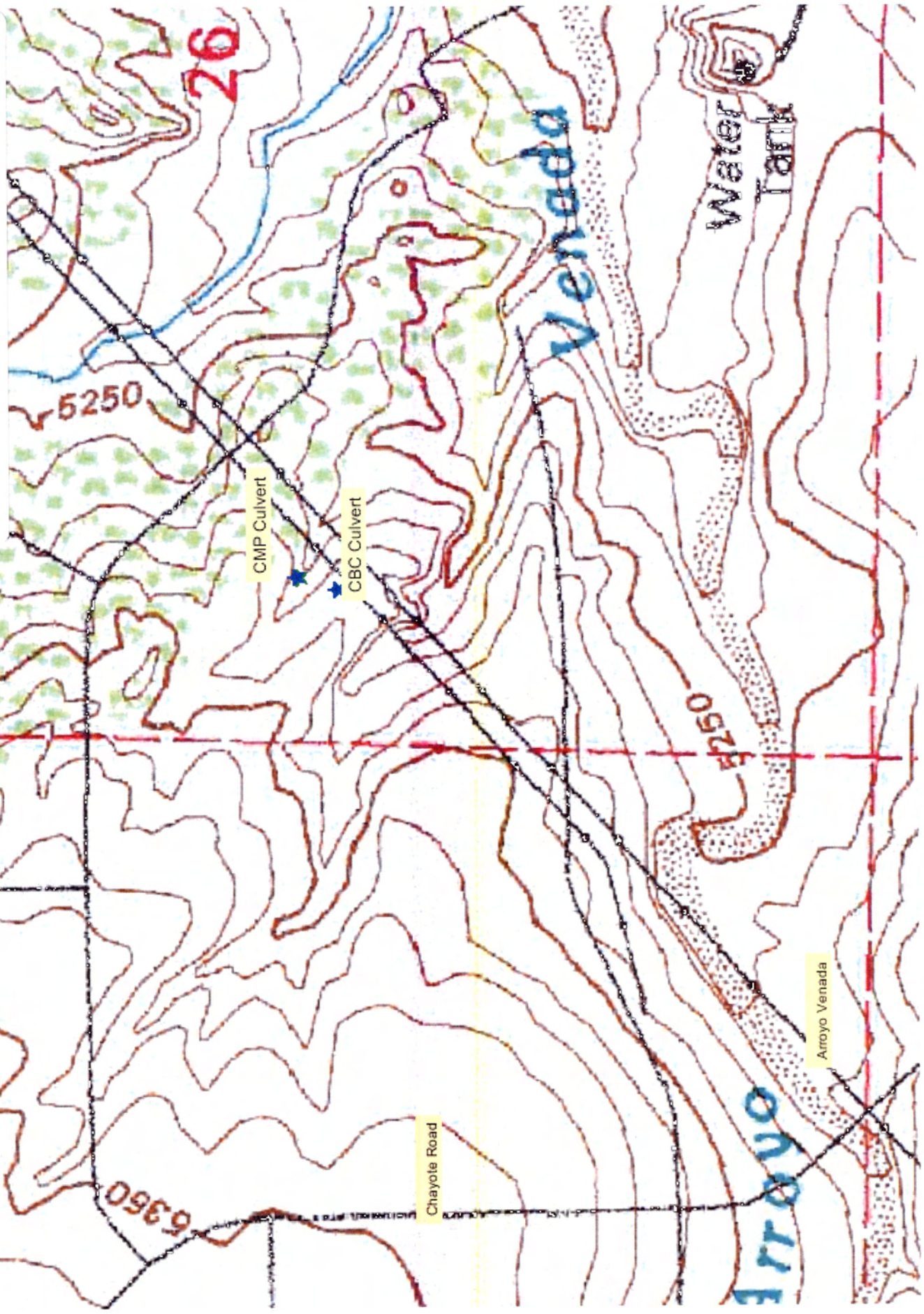


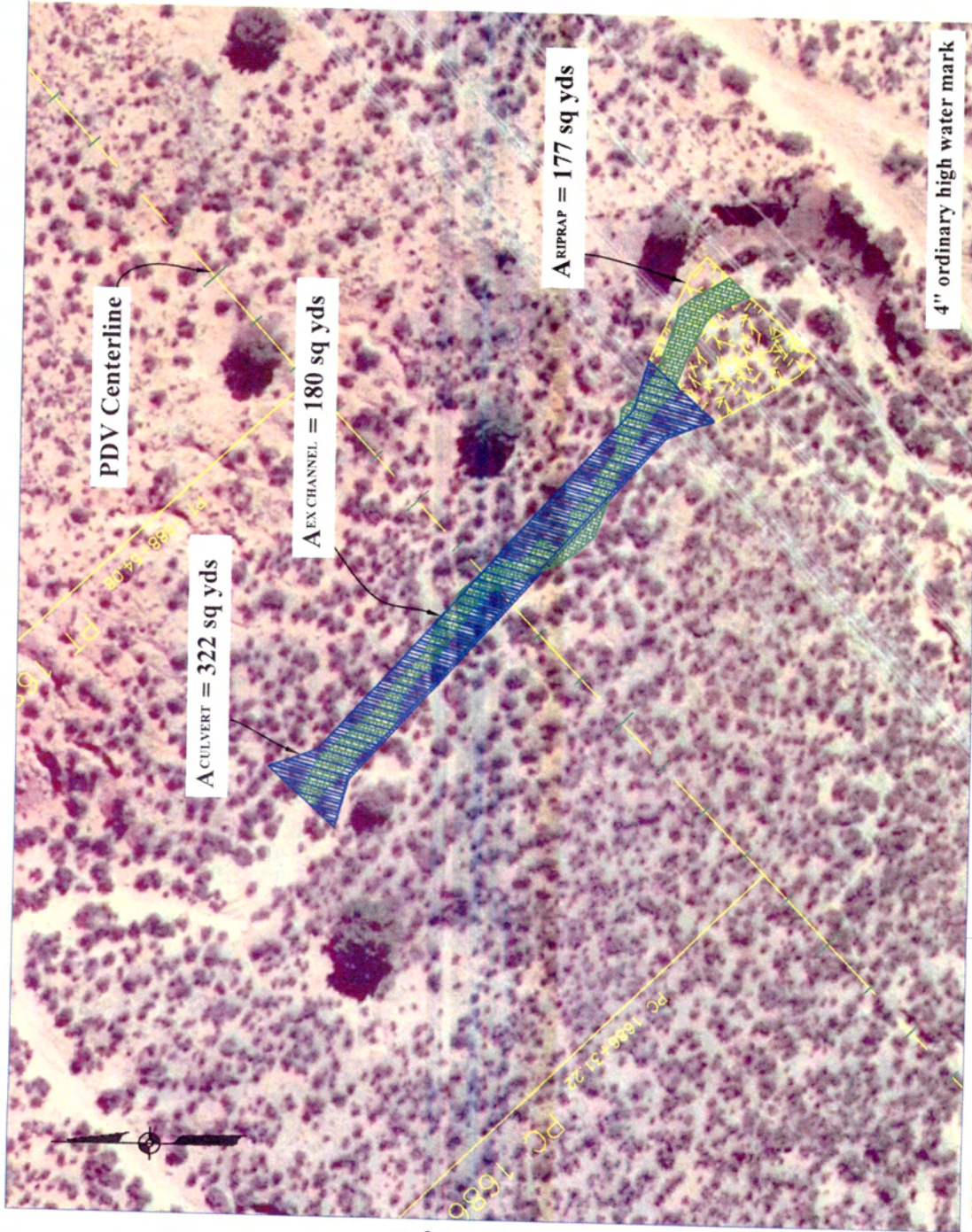
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= Fill within ordinary high water mark

= Riprap

= Area of Impact to Existing Channel

PROJECT
Paseo Del Volcan

SCALE
1" = 50'

FILENAME

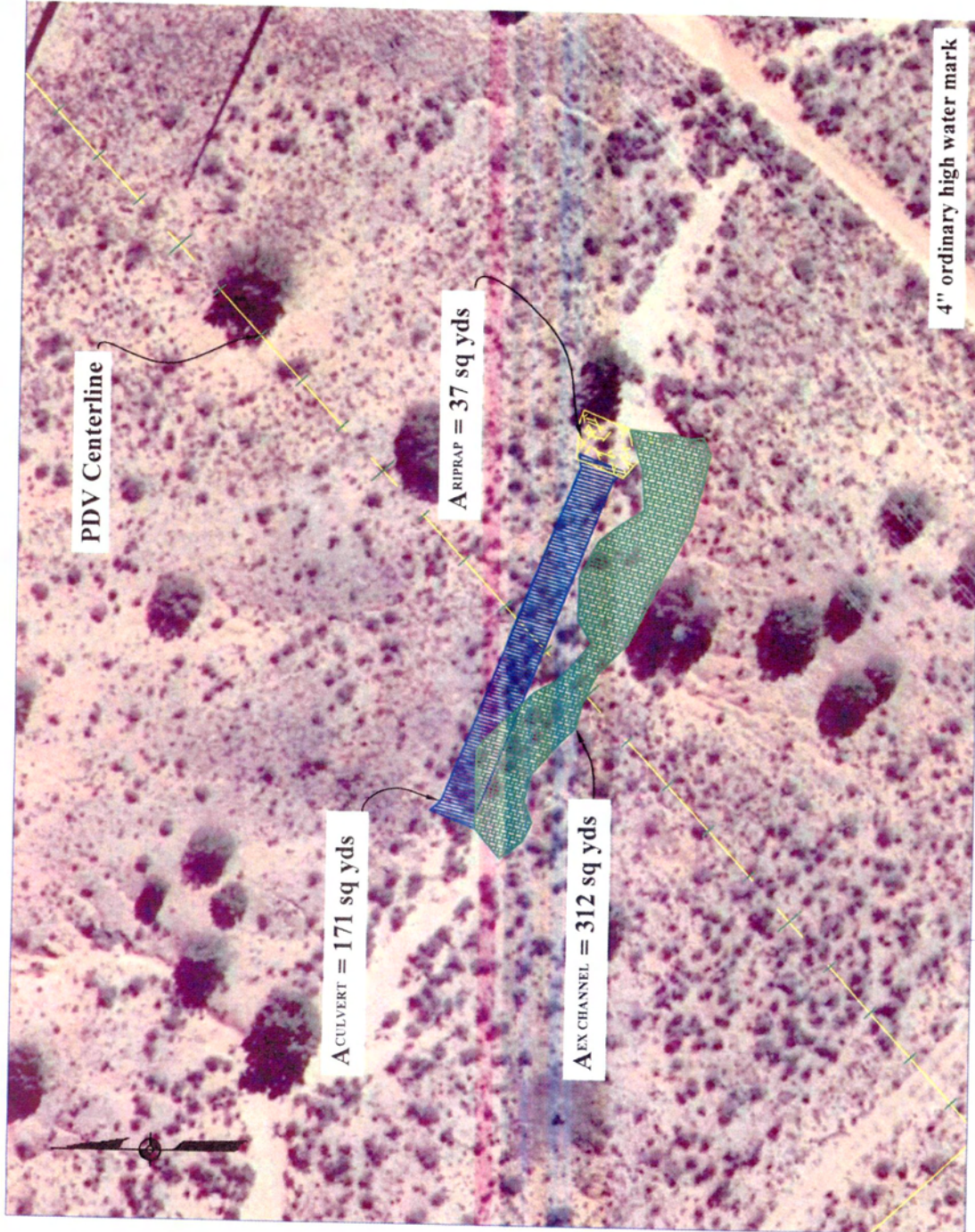
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Plan View: Location of 2 - 6'x4' CBC

APPLICANT: City of Rio Rancho

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-  = Fill within ordinary high water mark
-  = Riprap
-  = Area of Impact to Existing Channel

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 Rio Rancho, New Mexico

PROJECT	Paseo Del Volcan		 ONE COMPANY <i>Many Solutions</i>	Plan View: Location of 2 - 30" CMP	APPLICANT: City of Rio Rancho																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
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